

NOTARIES PUBLIC GUIDE



OFFICE OF THE GREAT SEAL
MICHIGAN DEPARTMENT OF STATE

A notary public is an officer commissioned by the Michigan Secretary of State.

Commissioned notaries have power to attest to the authenticity of a person's signature, to administer oaths, to take affidavits, and to perform other legal acts customarily performed by notaries in other states and countries. Notaries are not allowed to perform marriage ceremonies in the State of Michigan.

Notarization on a document certifies that the person whose signature is entered on the document appeared before the notary, displayed valid identification, and signed the document in the notary's presence.

Making application

In order to become commissioned as a Michigan notary public, a person must be at least 18 years of age and a resident of the county in which the commission is requested (*not* the county of employment). Only an out-of-state resident may apply in the Michigan county where the person's principal place of business is located.

A notary public commission is for a 4- to 5-year period ending on the notary's birthdate. The term is not less than 4 nor more than 5 years from the date of appointment. There is no renewal process so a notary must apply for a new commission each time. It is the applicant's responsibility to make application for a new appointment no more than 60-days prior to the expiration date.

Application for Michigan Notary Public Appointment forms are available from the Department of State Fax-on-Demand service at 517/335-4FAX, Department of State website at www.sos.state.mi.us/fax/index.html, county clerk's offices, and bonding companies.

Four steps to notarize

1. Ask the person for identification. Driver licenses, Michigan identification cards, birth certificates issued by government agencies, passports, and identification cards issued by employers are all acceptable. If the presented piece of identification appears questionable, ask for a second.
2. Review the document to be notarized and make sure there are no blank spaces — blanks encourage fraud and render a document "incomplete". Be sure that the person understands the nature of the document and the notarization process.
3. Have the person sign the document in your presence. If an oath is required, administer the oath. There is no exception to the requirement of personally witnessing the signature.
4. Complete the notarial certificate (MCL 55.112a). This must include all of the following: the county and date of notarization as well as the name, date of expiration and county of appointment of the notary public. Always sign your name exactly as it appears on your commission, including middle initial(s), if any.

Where you may notarize

As long as you reside in the county where you were commissioned, you may act as a notary anywhere in Michigan. When notarization takes place in another county, write "Acting in _____ County" on the document after your county commission. This also applies for commissioned out-of-state residents so long as their principal place of business remains in the county where located at the time of appointment.

To become a notary public again, you must apply for a commission in your new county of residence.

An example of “jurat,” which is the certification of the person before whom a writing is sworn, is as follows:

Some facts about “acknowledgments” that may be helpful are as follows:

- A notary public may act as a witness to and notarize the same instrument.
- A notary public may sign the name of a person whose physical characteristics limit the person's capacity to sign or make a mark on a document presented for notarization if all of the following circumstances exist: a) notary public is orally, verbally, or through electronic or mechanical means authorized to do so by that person; b) the person is in the physical presence of the notary public; c) the notary public inscribes beneath the signature: *signature affixed pursuant to section 55.113(2) of the Michigan Compiled Laws.*
- A notary public may take the acknowledgment of a person who cannot sign his or her own name. Such a person should sign the instrument by marking an "x" in the presence of two witnesses, one of whom may be a notary public. An example of this acknowledgment would be as follows:

Section 117 of the Notaries Public Act (MCL 55.117) provides that notaries public shall receive not more than \$2.00 for services in notarizing an acknowledgment or jurat. Section 2564 of the Revised Judicature Act of 1961 (MCL 600.2564) prescribes the fees notaries public may receive.

Notaries cannot certify a copy of a document

Michigan notaries public lack the authority to certify on a copy of a document that it is a true copy of an original document. In Michigan, only the person or agency that issued the document, or the person or agency to whom the document was issued, can certify that a copy of the original document is true and accurate.

For example, an official from the school that issued a diploma can certify that a duplicate is a true copy of the original diploma. Or, the person named on the diploma can make a true copy of the original diploma.

Tips to remember

- A notarized document must contain at least two original signatures: 1) the person authorized to sign the document, and 2) the notary's original signature.
- A notary should not decide what type of notarial act a document requires. The customer must know and tell the notary. However, if the jurat indicates that the document was "sworn to before me," then an oath must be administered.
- Each time you notarize a document, it is recommended that you record the signer's name, identification presented, date and other pertinent information in a journal.
- Michigan law does not require you to use an embossed seal or rubber stamp on a document. However, documents sent out-of-state may require an embossed notary seal.
- When administering oaths, both parties should raise their right hands. The left hand may be used in cases of disability.

- Your notary commission is not valid until after you file your \$10,000 surety bond with your local clerk.
- The \$10,000 notary surety bond is not an insurance policy. The bond protects the public if a court judgment is rendered against a notary because of negligence or misconduct. "Liability" or "errors and omissions" insurance protects an individual notary.

Better not to sign

Do not notarize a document: 1) unless the person signs it in front of you; 2) when you know it is false or part of an illegal or fraudulent scheme; or 3) if you have or a family member has a financial interest.

- Notarize a signature only after identity is clearly established.
- Watch the person sign the document. Do not accept a third party's word that a signature is genuine.
- Notarize a paper or document after completion by the person whose signature is to be notarized.
- Do not notarize your own signature or documents in which you are named as a party.

If your name changes

If you legally change your name after you have been commissioned as a notary public, you must continue to use the name listed on your commission when notarizing documents.

If you do not want to use your appointed name because of marriage, divorce or some other reason, cancel your current appointment with your county clerk. Then, apply with another notary application and \$10,000 surety bond under your new name.

For further information

Please visit our website at www.sos.state.mi.us/greatse/index.

Additional resources for notaries:

Anderson's Manual for Notaries Public, Anderson Publishing Co., 646 Main St., Cincinnati, OH 45201.

American Society of Notaries, P.O. Box 5707, Tallahassee, FL 32314-5707. Telephone: 800/522-3392, FAX: 850/671-5165. www.notaries.org

Michigan Notary Law Primer, National Notary Association, 9350 DeSoto Ave., P.O. Box 2402, Chatsworth, CA 91313-2402. Telephone: 800/876-6827, FAX: 800/833-1211. www.nationalnotary.org

These resources may also be available in public libraries

Office of the Great Seal
Michigan Library & Historical Center
1st Floor
717 W. Allegan St.
Lansing, MI 48918-1750
Telephone: 517/373-2531
TTY: 516/485-5530
Fax-on-Demand: 517/335-4FAX
www.sos.state.mi.us